UNITED STATES PATENT AND TRADEMARK OFFICE

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10/669,822	09/24/2003	Jerry G. Aguren	200308699-1	5688

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EXAMINER
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ART UNIT	PAPER NUMBER
2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-25* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-3,5-14 and 19-25* is/are allowed.

6)☒ Claim(s) *15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☒ Other: *Detailed Action*.

DETAILED ACTION

1.   In response to the communication dated 07/20/2007, claims 1-3 and 5-25 are pending in

this office action as the result of the cancellation of claim 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikesell (US

2004/0153479).

Regarding claim 15, Mikesell discloses a system (Fig. 1) comprising:

- a client computer (User 130, Fig. 1);

- a server coupled to the client computer (Server 120, Fig. 1);

- a first storage device coupled to the server having a storage attribute

  (smart storage unit 0, Fig. 1);

- a second storage device coupled to the server having a storage attribute

  (smart storage unit 1, Fig. 1);

wherein the server is configured to accept files in a user namespace and in a user file

structure (See paragraph [0076]); and

wherein the server stores the file on at least one of the first and second storage devices in

a global namespace different than the user namespace, the selection of the storage location made

by the server based on the attributes of the storage devices and storage preferences for the file

(See paragraphs [0076-0101], wherein Milesell discloses the selection of the storage location

based on the attributes of the storages and storage preferences for the file as "the smart unit 114

is a plug-and-play, high-density, rack-mountable appliance device that is optimized for high-

throughput data delivery [0080]...retrieve locally and/or remotely stored metadata about the

requested data files [0086]...Information about where to allocate the blocks may be determined

by policies set as default parameter [0089]...The forward allocator module 110 receives statistics

from the other smart storage units that use the intelligent distributed file system, and use those

statistics to decide where the best location is to put new incoming data. The statistics that are

gathered includes disk utilization [0096]...A variety of strategies may be used to determined

where to store data. These strategies may be adjusted depending on the goals of the system, such

as, compliance with parameters or preferences set by the system's administrator [0098]...The

forward allocator module looks up in the root metadata data structure for disk device information

and calculates the number of smart storage units across which the file data should be spread

using performance metrics or preset rules. The forward allocator module may then allocate the

blocks of the file to a set of smart storage units [0101]).

Regarding claim 16, Mikesell discloses wherein the server further comprises:

a software agent that executes on the server (communication medium 140, Fig. 1);

wherein the software agent interfaces with the client computer (user 130, Fig. 1) and simulates the network storage device (distributed file system 110) operating in the user namespace; and

wherein the software agent decides on which of the first and second storage devices to store the file based on the attributes of the storage devices and the storage preference for the file (See paragraph [0076]).

Regarding claim 17, Mikesell discloses wherein the server further comprises:

a software service that executes on the server (switch 125, Fig. 1); and

wherein the software service stores the file on one of the first and second storage devices based on instructions from the software agent (See Fig. 15 and paragraph [0068]).

Regarding claim 18, Mikesell discloses:

a first software service associated with the first storage device, the first software service that executes on the server;

a second software service associated with the second storage device, the second software service that executes on the server; and

wherein the software agent directs at least one of the first and second software services to store the file on the storage device to which the software service is associated. Please see Fig. 1, Switch 125 and paragraph [0068]).

Response to Arguments

3.   Applicant's arguments filed on 07/20/2007 about the claim rejection of the last Office

Action have been fully considered, but they are not persuasive.

Response to Applicant's Remarks on the 102 Rejection as being anticipated by

Mikesell (US 2004/0153479).

Applicant argues, Mikesell does not expressly or inherently teach, "wherein the server

stores the file on at least one of the first and second storage devices..., the selection of the

storage location made by the server based on...storage preferences for the file ". The Examiner

respectfully disagrees. Paragraphs [0076-0101] of Mikesell discloses this limitation, especially

"the smart unit 114 is a plug-and-play, high-density, rack-mountable appliance device that is

optimized for high-throughput data delivery [0080]...retrieve locally and/or remotely stored

metadata about the requested data files [0086]...**Information about where to allocate the**

blocks may be determined by policies set as default parameter [0089]...The forward

allocator module 110 receives statistics from the other smart storage units that use the intelligent

distributed file system, and use those statistics to decide where the best location is to put new

incoming data. The statistics that are gathered includes disk utilization [0096]...A variety of

strategies may be used to determined where to store data. These strategies may be adjusted

depending on the goals of the system, such as, compliance with parameters or preferences set by

the system's administrator [0098]...The forward allocator module looks up in the root metadata

data structure for disk device information and calculates the number of smart storage units across

which the file data should be spread using performance metrics or preset rules. The forward

allocator module may then allocate the blocks of the file to a set of smart storage units [0101])".

Mikesell (emphasis added) teaches information about where to allocate the blocks (file) may be

determined by policies set as default parameter which shows storage preferences for the file.

Allowable Subject Matter

4.   Claims 1-14 and 19-25 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

None of the references of record Cannon/Howard/Mikesell teaches or suggests the

claimed (Claim 1) invention having, in addition to the other limitations in the claims, the

limitation of "implement, autonomously of a user of the file, storage strategies for the file based

on the metadata and in a namespace different than the client machine namespace."

None of the references of record Cannon/Howard/Mikesell teaches or suggests the

claimed (Claim 8 and 19) invention having, in addition to the other limitations in the claims, the

limitation of "wherein the server selects on which of the plurality of storage devices to

store the files on a file-by-file basis based on storage characteristic preferences supplied for each

file, and wherein each file is stored under a globally unique name in a global namespace of the

server."

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
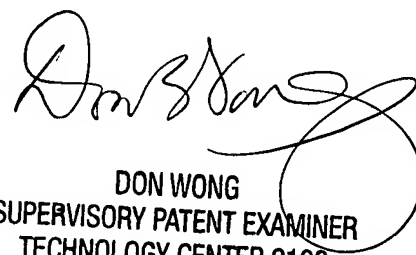
final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on 571-272-1834. The fax phone numbers for the

organization where this application or proceeding is assigned are 571-273-8300 for regular

communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

MN
October 13, 2007

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100